

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 4:11CR3111
)
v.)
)
RUDOLPH DELEON,) MEMORANDUM AND ORDER
)
Defendant.)

Defense counsel has orally moved to withdraw, explaining there is a fundamental disagreement between his client and himself as to how this case should be handled. The above-named defendant has requested and is eligible for appointed counsel pursuant to the Criminal Justice Act, 18 U.S.C. §3006A, and the Amended Criminal Justice Act Plan for the District of Nebraska.

IT IS ORDERED:

- (1) Defense counsel's oral motion to withdraw (filing no. 55) is granted. The clerk shall delete Mr. Mock from any future ECF notifications herein.
- (2) The clerk shall forward this memorandum and order to the Federal Public Defender.
- (3) The Federal Public Defender shall forthwith appoint a public defender or a CJA Panel attorney identified in accordance with the Criminal Justice Act Plan for this district. If the Public Defender appoints a panel attorney, the court recommends appointment from the "A" panel.
- (4) Defendant's new counsel shall promptly file an entry of appearance on behalf of the defendant.
- (5) Trial in this case is set to begin at 9:00 a.m. on June 19, 2012, for a duration of three trial days before the Honorable John M. Gerrard in Courtroom 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. Jury selection will be at the commencement of trial.

(6) The time between May 15, 2012 and June 13, 2012, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that defendant's new counsel will need time to review this case, confer with the defendant, and prepare the case for trial, and the failure to grant this additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

May 15, 2012

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge